

The position and activities of the Czech Bar Association

Abstract

The topic of this diploma thesis is a treatise of „*Position and activities of the Czech Bar Association*“ (hereinafter *CBA*). The CBA is a self-governance professional organisation and it is a professional association with mandatory membership. It is not possible to contain so extensive topic in a whole scope within limited space of diploma thesis in general. The main aim of this thesis is to provide a complex perspective of the CBA and point out the issues that are characteristic, not just for CBA, but for all professional associations with mandatory membership. In addition to the descriptive passages this diploma thesis includes reflections of the current legislation and possible modification of it. The diploma thesis consists of introduction, three parts and conclusion.

The first part provides a brief description of the historical position of the CBA in the Czech republic since the middle of the 19th century to the present day. This part deals with a self-governance of the CBA that is enshrined in a legal order of the Czech Republic. The second part is focused on organization of the CBA. The Advocacy Act no. 85/1996 Coll., sets down, that the structural organization of the CBA consists of the obligatory and facultative bodies. This diploma thesis aims on the obligatory bodies of the CBA and it is described what purpose and authority they have.

The mainstay of this diploma thesis is the third part. This part focuses on activities of the CBA and primarily on the legislative activities. In connection with the professional regulation that is adopted by the CBA, arise a question of the legal character of these professional regulations. It is not obvious if they are legal rules or not. This thesis presents arguments in support of the proposition, that they are legal rules, as well as arguments for the opposite proposition. The main purpose was to present arguments from both sides, so that based on this information can a reader make his own conclusion about the character of these rules. In connection with the professional regulation it is not obvious, which courts have authority to determine whether professional regulations are in compliance with the law or not. This diploma thesis presents a solution for this problem. It could be solved by unification of acts that regulate professional associations with mandatory membership. Within this unification it could be set down that administrative courts are authorized to determine whether professional regulations are in compliance with the law or not.

Klíčová slova: Czech Bar Association, Self-governance professional organisation, Professional regulations.